

**SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM**

SUBJECT: Request for a side yard setback variance from 10 feet to 0 feet for a proposed boat cover structure in R-1AA (Single Family Dwelling District); (Steve Gorwig, applicant).

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Kathy Fall **CONTACT:** Denny Gibbs **EXT.** 7387

Agenda Date July 24, 2006 **Regular** ☐ **Consent** ☐ **Public Hearing – 6:00** ☒

MOTION/RECOMMENDATION:

1. **APPROVE** the request for a side yard setback variance from 10 feet to 0 feet for a proposed boat cover structure in R-1AA (Single Family Dwelling District); or
2. **DENY** the request for a side yard setback variance from 10 feet to 0 feet for a proposed boat cover structure in R-1AA (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Steve Gorwig Owner: Steve Gorwig Location: 2911 Boland Drive Zoning: R-1AA (Single Family Dwelling District) Subdivision: Seminole Terrace Replat
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a boat cover approximately 13 feet by 36 feet – 4 inches that would encroach 10 feet into the 10 foot side yard setback. • The height of the boat cover is proposed to be 15 foot - 4 inches; the ridge of the roof of the existing house is at 16 foot – 4 inches. • The applicant has received two prior variances: <ol style="list-style-type: none"> 1. BV2001-166: rear yard setback variance from 30 feet to 4 feet for a shed. 2. BV2001-166: fence height variance for an 8'

	<p>fence</p> <ul style="list-style-type: none">• Zoning of surrounding property:<ol style="list-style-type: none">1. North is zoned A-1 with FLU of LDR2. South is zoned R-1AA with FLU of LDR3. West is zoned C-2 with FLU of Commercial.• There are currently no code enforcement or building violations for this property.
STAFF FINDINGS	<p>The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that:</p> <ul style="list-style-type: none">• No special conditions or circumstances exist, which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or building in the same zoning district.• Special conditions and circumstances result from the actions of the applicant.• The granting of the variance requested would confer on the applicant special privileges that are denied by Chapter 30 to other lands, buildings, or structures in the same zoning district.• The literal interpretation of the provisions of Chapter 30 would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification.• The variance granted is the minimum variance that will make possible reasonable use of the land, building or structure.• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.• The grant of the variance would not be in harmony with the general intent of Chapter 30.
STAFF RECOMMENDATION	<ul style="list-style-type: none">• Based on the stated findings, staff recommends denial of the request, unless the applicants can demonstrate a hardship. If the board should decide to grant a variance, staff recommends the following conditions of approval:<ul style="list-style-type: none">• Any variance granted shall apply only to the boat cover as depicted on the attached site plan; and• Any additional condition(s) deemed appropriate by the board, based on information presented at the public hearing.



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT
PLANNING DIVISION
1101 EAST FIRST STREET
SANFORD, FL 32771
(407) 665-7444 PHONE (407) 665-7385 FAX

COPY

RECEIVED

APPL. NO. BV2006-104

APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT

Applications to the Seminole County Board of Adjustment shall include all applicable items listed in the Board of Adjustment Process Checklist. No application will be scheduled for Board of Adjustment consideration until a complete application (including all information requested below) has been received by the Planning & Development Department, Planning Division. Applications for SPECIAL EXCEPTION shall only be received for processing following pre-application conference.

APPLICATION TYPE:

- ☒ **VARIANCE** side yard setback variance from 10 ft. to 0 ft. for a proposed patio cover
- ☐ **SPECIAL EXCEPTION**
- ☐ **LIMITED USE**
- ☐ ☐ SE DWELLING UNDER CONSTRUCTION ☐ MEDICAL HARDSHIP
- ☐ NIGHT WATCHMAN ☐ FAMILY HARDSHIP
- ☐ YEAR OF MOBILE HOME / RV (EXISTING _____) (PROPOSED _____)
- ☐ SIZE OF MOBILE HOME / RV _____ ☐ TIME NEEDED _____
- ☐ PLAN TO BUILD ☐ YES ☐ NO IF SO, WHEN _____
- ☐ **APPEAL FROM DECISION OF THE PLANNING MANAGER**

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	<u>Steve Gerwig</u>	
ADDRESS	<u>2911 Boland DR</u>	
	<u>Oviedo FL 32765</u>	
PHONE 1	<u>407-466-5562</u>	
PHONE 2		
E-MAIL	<u>Steve.gw@bellsouth.net</u>	

PROJECT NAME: _____

SITE ADDRESS: 2911 Boland DR. Oviedo 32765

CURRENT USE OF PROPERTY: Home

LEGAL DESCRIPTION: LEG Lot 1 Blk B Seminole Terrace Replat P.B 11 PG 29

SIZE OF PROPERTY: 76.74x130.4 acre(s) PARCEL I.D. 27-21-31-500-0000-0010

UTILITIES: ☐ WATER ☒ WELL ☐ SEWER ☒ SEPTIC TANK ☐ OTHER _____

KNOWN CODE ENFORCEMENT VIOLATIONS none

IS PROPERTY ACCESSIBLE FOR INSPECTION ☐ YES ☐ NO

This request will be considered at the Board of Adjustment regular meeting on 7/24/06 (mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole County Services Building, located at 1101 East First Street in downtown Sanford, FL.

I hereby affirm that all statements, proposals, and/or plans submitted with or contained within this application are true and correct to the best of my knowledge.

Steve Gerwig
SIGNATURE OF OWNER OR AGENT

6-2-06
DATE

ADDITIONAL VARIANCES

VARIANCE 2:

VARIANCE 3:

VARIANCE 4:

VARIANCE 5:

VARIANCE 6:

VARIANCE 7:

APPEAL FROM BOA DECISION TO BCC

APPELLANT INFORMATION

NAME

ADDRESS

PHONE 1

PHONE 2

E-MAIL

NATURE OF THE APPEAL

APPELLANT SIGNATURE

FOR OFFICE USE ONLY

PROCESSING

FEE(S): 150.00

COMMISSION DISTRICT

FLU/ZONING

R-1AA/LOR

BCC HEARING DATE

(FOR APPEAL)

LOCATION FURTHER DESCRIBED AS

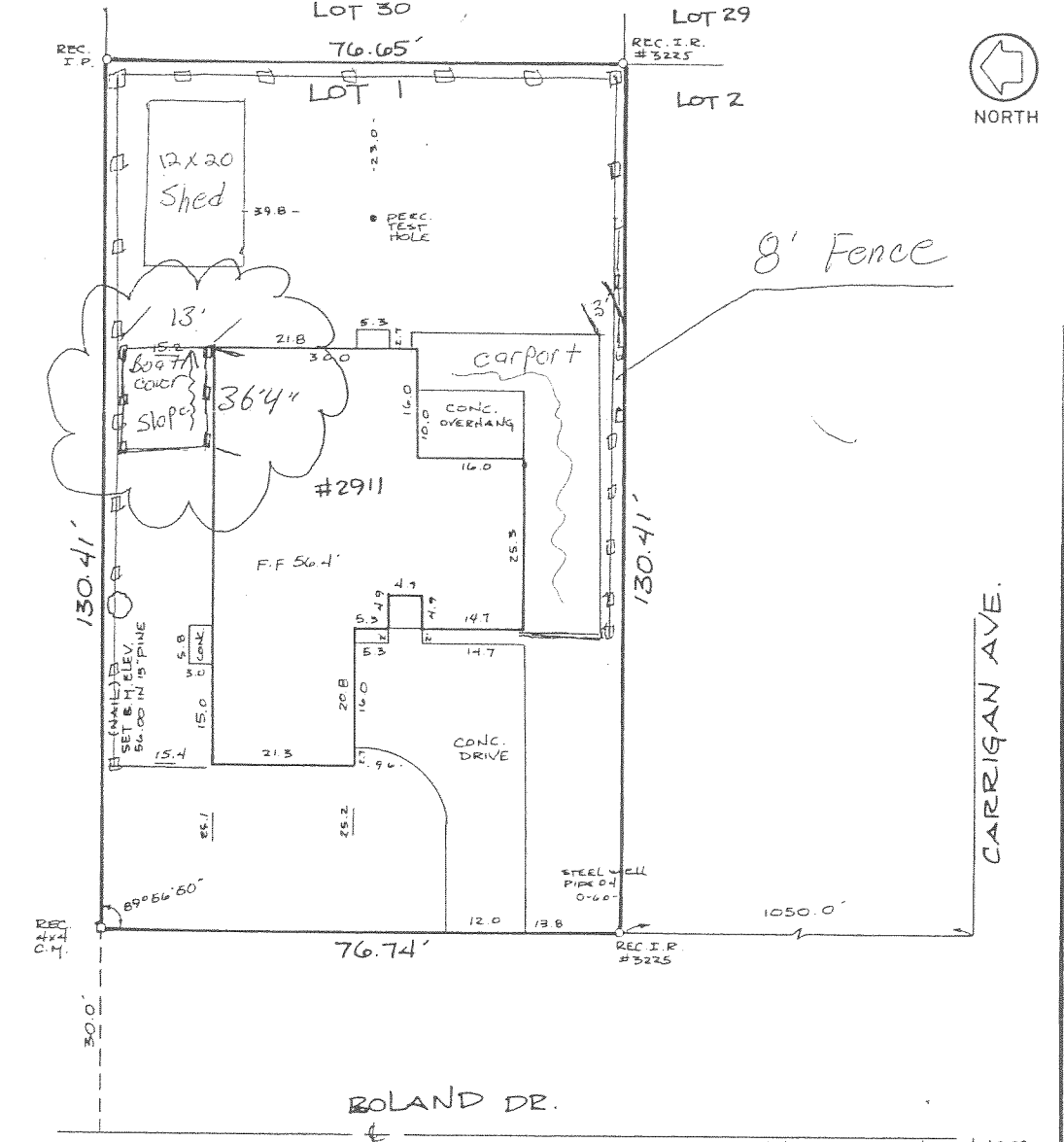
PLANNING ADVISOR

DATE

SUFFICIENCY COMMENTS

CERTIFIED TO: The First P.A. C. Miles, Hedrick & Robinson, P.A.
 PLAT OF LAND SURVEY FOR: Ronald Gerwig
 DESCRIPTION AS FURNISHED: Lot 1, Block B, SEMINOLE TERRACE REPLAT

RECORDED IN PLAT BOOK 11, PAGE(S) 29, PUBLIC RECORDS OF Seminole COUNTY, FLORIDA.



STK HSE, SET B.M. 2-18-86, A-3095
 RECERT. 1-23-86, A-2022

BENCHMARK BASED ON SEMINOLE CO.
 DATUM NO. 1751502, ELEV 5302

NO INSTRUMENT OF RECORD REFLECTING EASEMENTS, RIGHT-OF-WAYS AND/OR OWNERSHIP WERE FURNISHED THIS SURVEY UNLESS OTHERWISE NOTED.

NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN.

BEARINGS, IF SHOWN, ARE BASED ON RECORDED PLAT UNLESS OTHERWISE NOTED.

P.O.L. - DENOTES "POINT ON LINE"
 I.P. - DENOTES "IRON PIPE"
 I.R. - DENOTES "IRON ROD"
 C.M. - DENOTES "CONC MONUMENT"
 REC. - DENOTES "RECOVERED"

THIS BUILDING DOES NOT
 LIE WITHIN THE ESTABLISHED
 100 YEAR FLOOD PLAIN AS PER
 "FIRM" FOR "C"

THIS SURVEY REPRESENTED HEREON IS
 TRUE AND CORRECT AND MEETS THE
 MINIMUM TECHNICAL STANDARDS SET
 FORTH BY THE FLORIDA BOARD OF LAND
 SURVEYORS PURSUANT TO SECTION
 472.027, FLORIDA STATUTES

THIS SURVEY NOT VALID UNLESS
 EMBOSSED WITH SURVEYOR'S SEAL

GRUSENMEYER • SMITH & ASSOCIATES, INC.

LAND SURVEYORS

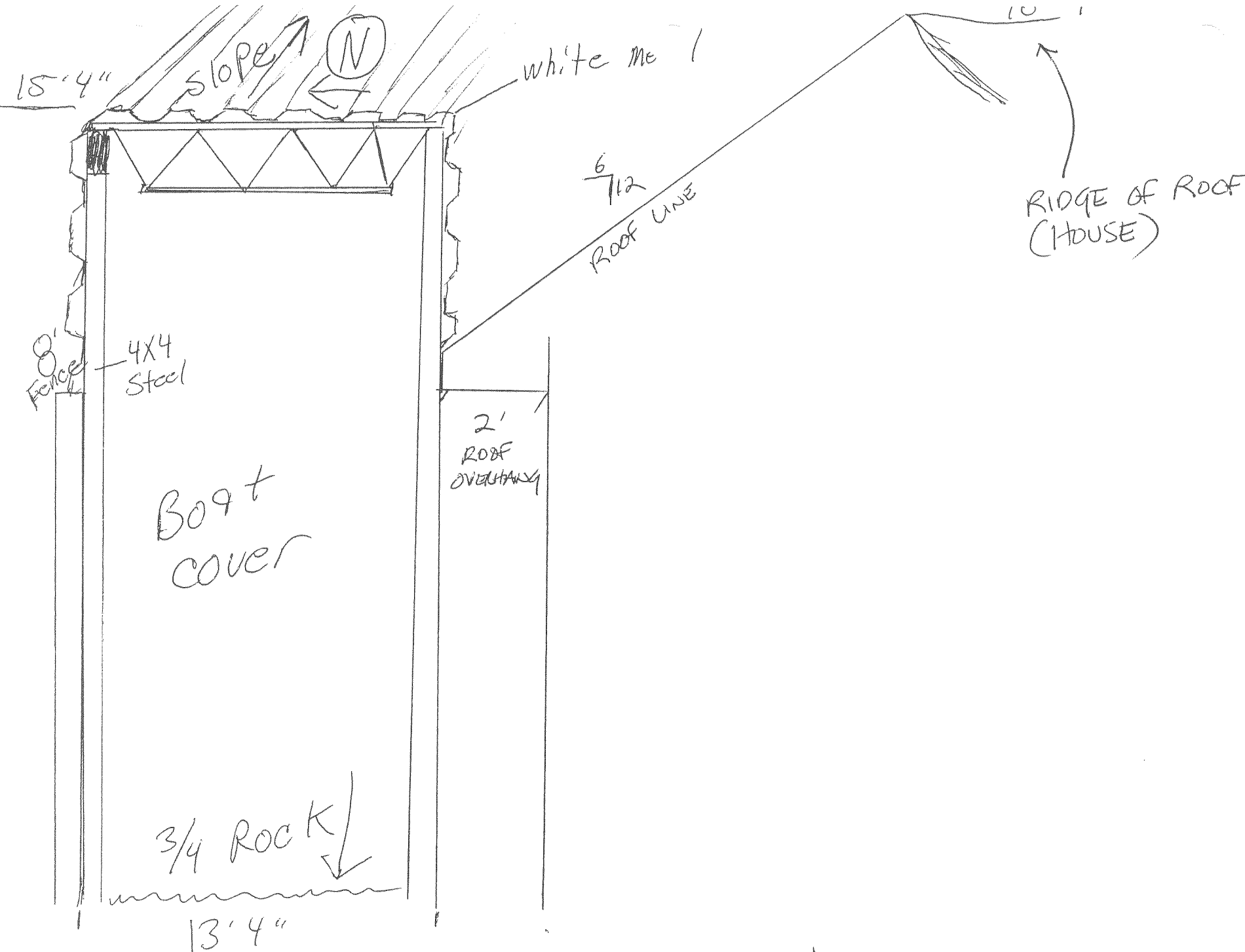
5400 E. COLONIAL DR. — ORLANDO, FLORIDA 32807
 (305) 277-3232

CERTIFIED BY:

TOM C. GRUSENMEYER, R.L.S. No. 1542
 CARL MICHAEL SMITH, R.L.S. No. 3762

SCALE
 1" = 20'

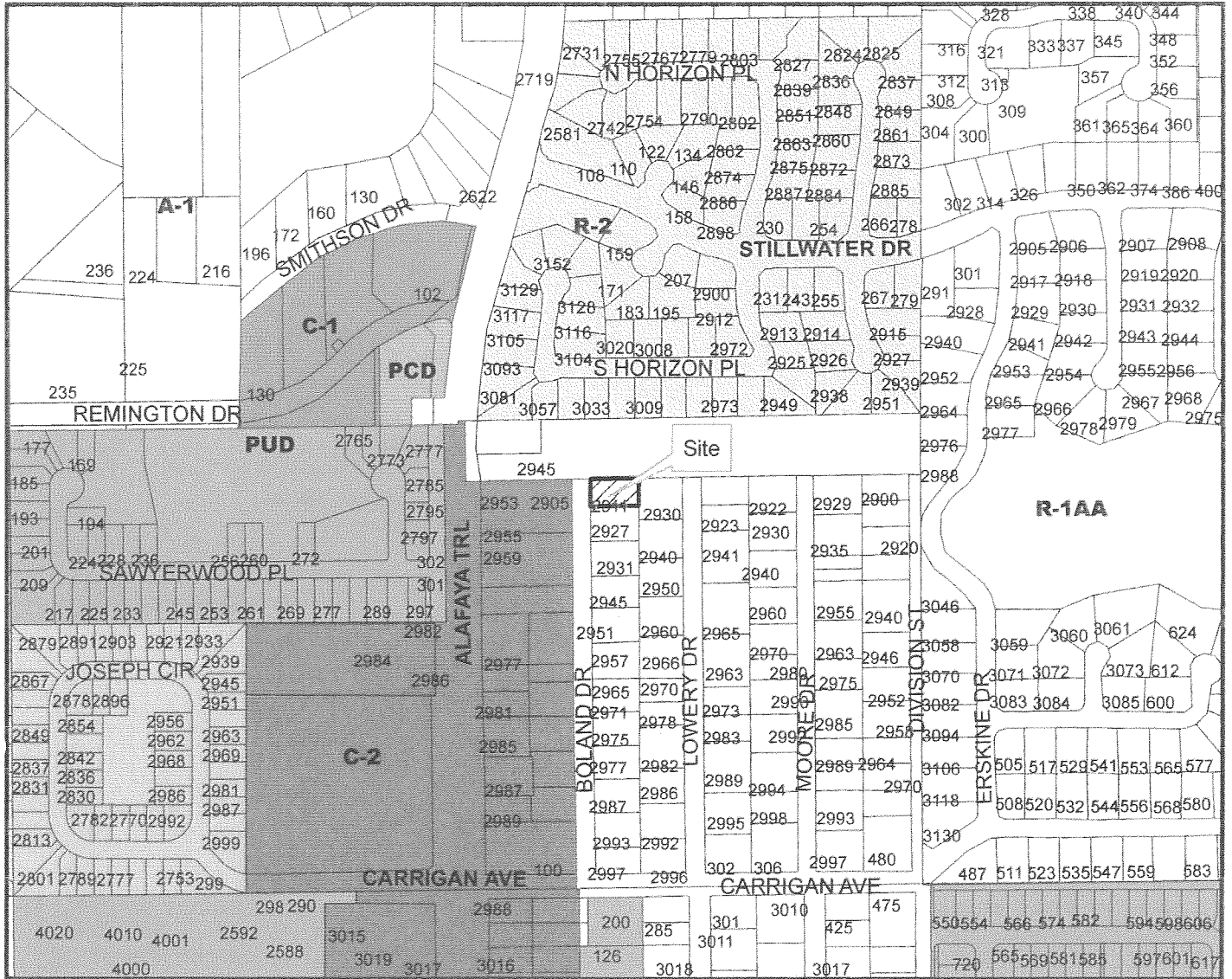
DATE	ORDER NO.
06-26-84	9365
07-30-86	4-6412
10-20-87	B-5286



FRONT ELEVATION

PARCEL DETAIL DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506		34 36 1 30 2 29 3 28 4 27 1 30 2 29 3 28 4 27 1 30 2 29 3 28 4 27																																															
GENERAL Parcel Id: 27-21-31-5CC-0B00-0010 Owner: GERWIG STEVEN R Mailing Address: 2911 BOLAND DR City,State,ZipCode: OVIEDO FL 32765 Property Address: 2911 BOLAND DR OVIEDO 32765 Subdivision Name: SEMINOLE TERRACE REPLAT Tax District: 01-COUNTY-TX DIST 1 Exemptions: 00-HOMESTEAD Dor: 01-SINGLE FAMILY				2006 WORKING VALUE SUMMARY Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$144,619 Depreciated EXFT Value: \$17,921 Land Value (Market): \$28,158 Land Value Ag: \$0 Just/Market Value: \$190,698 Assessed Value (SOH): \$111,522 Exempt Value: \$25,000 Taxable Value: \$86,522 Tax Estimator																																													
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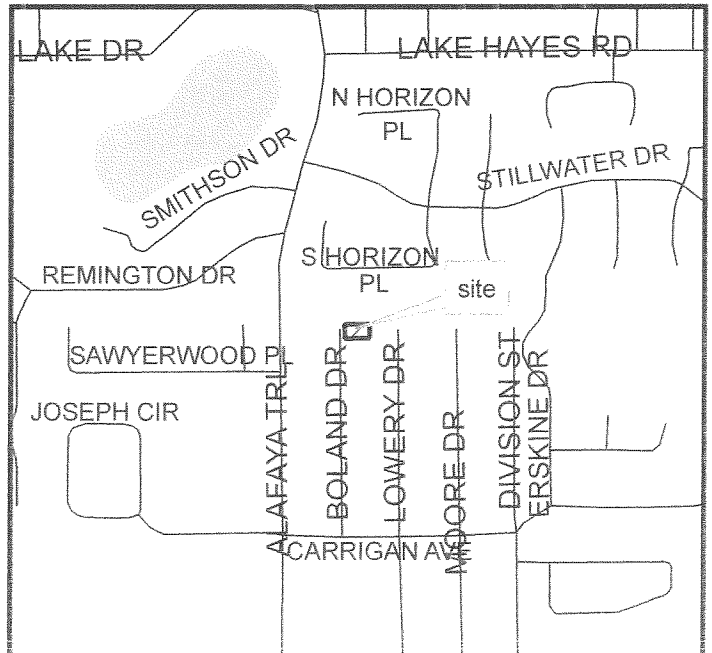
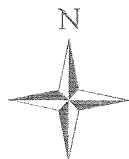
Steven Gerwig
2911 Boland Dr
Oviedo, FL 32765



Seminole County Board of Adjustment
July 24, 2006
Case: BV2006-104
Parcel No: 27-21-31-5CC-0B00-0010

Zoning

	BV2006-104		R-1B		C-1
	A-1		R-1BB		C-2
	R-1AA		R-2		PUD
	R-1A		RP I		PCD



SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On July 24, 2006 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG Lot 1 BLK B Seminole Terrace Replat PB 11 PG 29

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: Steve Gorwig
2911 Boland Drive
Oviedo FL 32765

Project Name: Boland Drive (2911)

Requested Development Approval:

Request for a side yard setback variance from 10 feet to 0 feet for a proposed boat cover structure in R-1AA (Single Family Dwelling District)

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Denny Gibbs, Senior Planner
1101 East First Street
Sanford, Florida 32771

Order

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
 1. The variance granted will apply only to the boat cover structure as depicted on the attached site plan.
- (4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.
- (5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
Tony Walter
Planning Manager

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2006.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: